Revenue (1980) Department.

Ms SERIES

G.O. No. 1516

DATED 6-8-80

Public **DEPARTMENT.**

Received ..... 19 *Registered* M 1247 19

Subject.

Hindu-Muslim rioting - Mangalore - May 1929 - dispute over right of passage - recurrence of breach of the peace - measures taken - special grant foraroad and wall - requested.

ENCLOSURES.

No. .....

Spare copies .....

Ref.Cl.No.- 3484-29.

Station Mangalore, *Dated the* 7th May 1930.

From (Name) G.W.Wells, Esquire, M.A., I.C.S.,

(Designation) District Magistrate of South Kanara.

To The Chief Secretary to the Government of Madras,

Public Department.,

M a d r a s.

Sir,

C. 918 Pub (F)

I invite the attention of Government to my letter dated 25-7-1929 in which I had, in reply to Government --- Memorandum No. 2694-1 (Public), dated 15-7-1929, reported in brief the history of the dispute, existing here, about the right of way, claimed by the Hindus and Christians of this place over the Muhammadan burial grounds attached to the Nadupalli Mosque. This dispute has been in existence since before 1911, but it was brought into prominence by the rioting -- that occurred at Mangalore in May 1929 between the Hindus and the Muhammadans of this place. Ever since May 1929, I have been conferring with the leaders of each community in order to arrive, if possible, at a solution which by

being accepted by all the parties concerned, would remove from among them the constant source of friction existing in the -- shape of this dispute.

2. As a result of the conferences and informal discussions I had with the leaders, both the parties to the -- dispute (has) accepted as a solution the proposal that the other communities should henceforth cease to assert a right of way across the Muhammadan burial grounds, that the burial grounds should be enclosed within a wall about 5½ feet high and that a road should be constructed by Government or by the Municipality alongside this wall, enabling the persons living to -- its west to pass through it to the main road. The Muhammadans had expressed their willingness to relinquish portions of -- their burial ground poramboke, and of their mosque patta land, for constructing this road, and it had been urged on all -- sides that the construction of the wall and road should be undertaken by Government or by the Municipality at their cost.

3. After this compromise was arrived at, I requested - the Municipal Council at Mangalore to take up the construction of the road and wall, in the interests of the peace of the - town. The Council appointed a Sub-Committee to report on the proposal, and after receipt of the Sub-Committee's report, passed a resolution (copy enclosed) accepting its recommendation to - take up the construction, provided that Government met half the cost of the wall and the acquisition of the land necessary - for the formation of the road. The Chairman of the Municipal Council then addressed Government (in the Local Self Government Department) through me for a grant towards half the estimated - cost of the wall and road, but the grant was refused by Government in their order No. 1187, L. & M., MS. Local Self Government Department, dated 22-3-1930, though the Municipality was offered the option of applying for a loan. I enclose a copy of the -- Chairman's letter dated 13-2-30 and of G.O. 1187, L. & M./22-3-30.

@ p. 139 (c)

† p. 6 supra

p. 7 infra

4. On receipt of the orders of Government, I requested

the Municipality again to apply for a loan and to carry out the work. The Municipal Council, however, has passed a -- resolution dated 7-4-30, a copy of which I enclose, stating that the Council will consider the question "as and when funds permit."

5. As the maintenance of peace and order is not among the principal functions of a Municipality, and as the construction of the wall and road is imperative only in the interests of the peace of the town, I do not think that the Municipal -- Council is greatly to be blamed since it has already shown -- sufficient willingness to co-operate. I request that --- Government may be pleased to reconsider their order dated -- 22-3-1930, if they deem it fit, and to sanction a special grant for the proposed work.

Your obedient servant,

for Dt.Magistrate.

Extract from the Proceedings of the Mangalore Municipal Council, dated 9th December 1929.

Present:-

xx xx xx

13. Read report of the sub committee appointed to report on the subject of opening a new road on the burial ground near Nadupalli mosque with the file of connected papers.

Proposed by Dr. K. Vittal Shetty and seconded by Mr. M. Madhava Rao, that the Council accepts the recommendation of the sub-committee in the expectation that Government will meet at least half the cost of the wall and the acquisition of the land necessary for the formation of the road.

The following amendment was proposed by Dr. A. F. Coelho and seconded by Dr. N. Upendra Poi.

That the recommendation of the committee may be accepted provided the Government builds the wall at its own cost.

After discussion the amendment was put to vote and lost, 3 voted for the amendment and 13 against.

The original proposal was carried by a majority of 13 against 3.

xx xx xx xx

(True Extract)

Municipal Office,
Mangalore, 12-12-1929.

(Sd) N. Venkat Rao,
Chairman, Municipal C.

True Copy.

For Dt. Magistrate.

M.D'S.8/5.

5

Report of the Sub Committee appointed to report on the subject of opening a new road on the burial ground near Nadupalli Mosque.

P r e s e n t.

M.R.Ry. Rao Sahib Nellikai Venkat Rao, Avergal.

U. Sanjiva Rao, Avl.

Dr.M.Nagappa Poi.

Abdul Khader Asadi Saheb Bahadur.

M. Kunhammu Saheb Bahadur.

The Sub-Committee has taken the statement of Mr.K.Husseinabba Managing Moktessor of Nadupalli Mosque and is of opinon that the Council may be recommended to construct a wall not less than 5½ ft.high dividing the burial ground from the proposed road. Municipal Supervisor to prepare the necessary estimate for the wall and for the acquisition of the required ground on the opposite side wherever the width falls short of 18 ft. in the ground given by the mosque authorities. In view of the heavy expenditure the Council will have to meet for the construction of the wall and the acquisition of the site the Collector may be requested to move the Government to meet at least half the cost of the proposed road and wall.

29th Nov.1929.

Sd/- Nellikai Venkat Rao,
Chairman, M.C.

(True copy)

For Dt. Magistrate.

Copy of letter No. 364-5/29-30, dated 13th February 1930, from the Chairman, Municipal Council, Mangalore, to the Secretary to the Government of Madras, (Local and Municipal) Department, Madras.

Near the Madupalli Mosque at Kudroli there is a Muhammadan burial ground. The Hindus and Christians that live to its west claim a right of way through it. Their claim has been in the past a constant source of friction between them and the Muhammadans. The rioting in May last between Muhammadans and the Hindus was to a large extent due to the dispute in respect of the path-way through the burial ground. With a view to remove the source of ill-feeling between them, the Municipal Council at the suggestion of the District Magistrate has in expectation that Government will meet at least half the cost, consented to construct a masonry wall separating a road to be formed from the burial ground. The road is to be made up of land partly from the burial ground and partly to be acquired. The cost of construction of the wall is estimated at Rs. 2150/-, land to be acquired at Rs. 450/- and the formation of the road at Rs. 580/-.

I request, therefore, that you will be so good as to move Government to sanction a grant of at least a moiety of the said cost.

A copy of the Council's resolution is enclosed.

True copy forwarded to the District Magistrate of South Kanara, with reference to his letter Ref.Cl-3484-29, dated 23rd April 1930.

Municipal Office,
Mangalore, 24-4-3

(Sd) N. Venkat Rao,
Chairman, M.C.

Local Self Government Department.

G.O.No.1187 L.& M., MS., dated 22nd March 1930.

Abstract.

Grant - Mangalore Municipal Council - Construction of a wall and road - Muhammadan burial ground at Kudroli - Grant - Refused.

Read the following paper:--

From the Chairman, Municipal Council, Mangalore, No. 364/5/29-30, dated the 13th February 1930.

Endorsement of the District Magistrate, South Kanara, No.3484/29, dated the 22nd February 1930.

****

O r d e r:-

The Government are not prepared to make any grant towards the cost of the construction of a wall to and of the formation of a road near, the Muhammadan burial ground at Kudroli.

2. The Municipal Council should, if it desires to proceed with the work, meet the entire cost from its own funds and may, if necessary, apply for a loan to Government for the purpose.

(By Order of the Govt., Ministry of Education and Local Self Government).

Hilton Brown,
Secretary to Government.

To the Chairman, Municipal Council, Mangalore.
To the District Magistrate, South Kanara.

****

F o r w a r d e d.

(By Order)

xx xx xx
Superintendent.

(True Copy.)

For Dt. Magistrate.

8.5.30

M.D'S.8/5.

Extract from the Proceedings of the Mangalore Municipal Council, dated 7th April 1930.

P r e s e n t.

x x x

14. Read G.O.No.1187 L. and M., dated 22nd March 1930 refusing to make any grant towards the cost of the construction of a wall to and of the formation of a road near the Muhammadan burial ground at Kudroli and letter Ref.C.1-3484/29 dated 1st April 1930 from the Collector of South Kanara on the subject.

As the Government has refused to give a grant for the purpose, the Council will consider the question as and when funds permit.

x x

(True Extract)

Communicated to the Collector of South Kanara with reference to his letter read above.

Municipal Office,
Mangalore, 9th April 1930.

Sd/- Nellikai Venkat Rao,
Chairman, M.C.

(True copy)

For Dt. Magistrate.

8.5.30

Revenue Department.

Grants - Discretionary - "22 R.F.a. 11. General Administration - Misc.- Discretionary Grants by Collectors."- Mangalore Municipal Council- Construction of a wall and road - Muhammadan burial ground at Kudroli - Half grant.

Letter from the District Magistrate of South Kanara, Ref.Cl.No. 3484-29 dated 7th. May, 1930.

Endt.No.1390E/30-1 dated 24.6.30

Forwarded to the Board of Revenue.

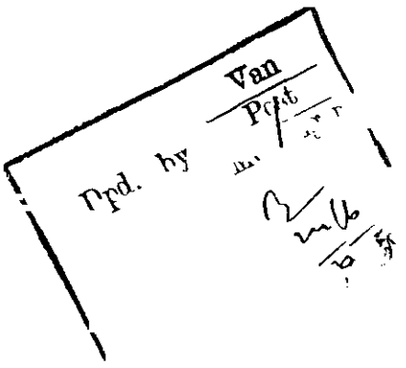
2. In the circumstances reported by the D.M. in his letter read above the Government consider that a grant of Rs.1590/-, being half the cost of the construction of a wall to and of the formation of a road alongside the Muhammadan burial ground at Kudroli, should be made to the Municipal Council, Mangalore,

3. As "provision of sites for burial and burning grounds and their improvement; repair of paths leading to such grounds" is one of the objects on which Collectors of districts have been authorised to spend their

discretionary grants, ~~the Govt. are~~

the Govt. are of opinion that the expenditure in question should be ~~treated as coming~~ from the Collector's discretionary grants, an additional appropriation of Rs.1,590/- being sanctioned under the head "22 R.F.a. 11. General Administration - Miscellaneous Discretionary grants - Discretionary grants by Collectors." The Board of Revenue is requested to indicate the source from which the extra expenditure referred to above can be met.

para 7 at page



To

The Board of Rev.L.R.& S.

(with C.F. in original.)

to be returned

6.30
17/6/30

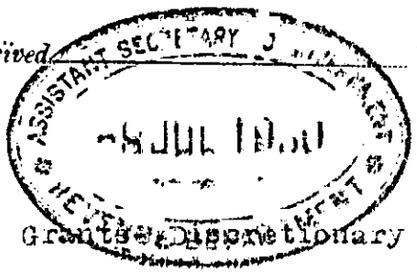
19/6/30

20/6

/2

Revenue **DEPARTMENT.** C.F. 31

CURRENT No. 1541E



Received ..... 19 *Registered* 8.7.30 19

3 om 8/7/30

Subject.

Grants-Discretionary "22 R.F.a ii- General Administration Miscellaneous- Discretionary Grants by Collectors" (South Kanara) Managalore-- Municipal Council- Construction of a wall and road--Grant- Report--Submitted.

ENCLOSURES.
No. .....
.....
Spare copies .....

No. 4170 Routine

Station Madras *Dated the* 3rd July 1930. 19

From

The Board of Revenue, Land Revenue. & ~~Revenue~~ Settlement, ~~etc.~~ ~~Separate Revenue.~~

The Hon'ble Mr. C.A. Souter, I.C.S.,
Commr., of Land Revenue and
Settlement.

***

Resolution
Reference. Reference:- Govt. Endt. No.1390-E.30-1 dated 24th June 1930.

---

p 10-11 supra

The Board submits that it is not possible to say at present whether the expenditure in question can be met from the sanctioned allotment under "22R.F.a -ii General Administration--Miscellaneous - Discretionary Grants by -- Collectors". The Collector may however be authorised to incur the expenditure in anticipation of the sanction of allotment

The Board will apply for additional allotment in due course if the sanctioned allotment is likely to be exceeded.

(True extract)

5.7.30

Assistant Secretary

To The Secretary to Government, Revenue Department
with the District Magistrate's letter together with its enclosures in original--returned.

L - Hindu-Muslim tension -
- Dispute re burial ground -
n of wall and pathway - Special
sanction

D.M of S. Kanara, Ref C/3484-23/37. S/30

'87) Lsg d/22.3.30 ✓
.91 Pub d/13.12.24 ✓
Fwd d/12.11.24 p.3 C ✓
Pub d/12.9.24 ✓
in the two places

Please see the remarks of the D.M in para 5 of the letter. So far as this Deptt is concerned there is little to add to the view expressed at p.10 of G.O. No. 1187 L&M dt 22.3.30. It is for L.S.G to consider whether it would be possible to make a grant as a special case in this case. The file may be transferred to that Deptt for action.

(C)

W. support his request, Rs 1500 approximately should remove the source of communal in - if not of a of the place -

12/5.30
2K
12/5

14/5

16/5

CA

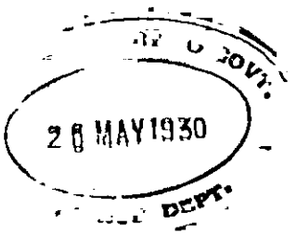
to office on behalf of grant
Postage 9/5

Say
Jm

I am rather of the
opinion I held during
the discussions at (C) that
I can hardly press
this. I am rapidly
Scent
Fulwider occur an
"inconvenient precedent" where
Madras is to point fulbritten
that about it, & cost would
I can see no
Objection

22-1-30

viz that there is no
Case for a grant
(P.12 9 PC 1187 XHH
& 22.3.30 - Hag (C))



W 18212 C-Pt
No 22/5/30

Dia

+ 17149 Pt
26.5.30

Constructing a wall and forming a road near the Muhammadan burial ground at Kudroli.

Total cost Rs 3180

--

In G.O.No.1187 L.&M. dated 22-3-1930, the Govt. refused to comply with the request of the Mangalore Municipal Council for a half grant(Rs 1590) towards the cost(Rs 3180) of the above work, as L.S.G. noted that it was not usual to make grants to local bodies for such works and it was thought that an exception would create an inconvenient precedent.

2 The Municipal Council has postponed the consideration of the question of carrying out the work till funds permit.

The Dt.Magistrate, South Kanara now asks Govt. to give a grant and observes:-

"As the maintenance of peace and order is not among the principal functions of a Municipality, and as the construction of the wall and road is imperative only in the interests of the peace of the town, I do not think that the Municipal Council is greatly to be blamed since it has already shown sufficient willingness to co-operate".

The Chief Secretary supports the Dt.Magistrate's request and has remarked that a grant of Rs 1500/ approximately(half the cost of the work) should remove a likely source of communal tension, if not of a breach of the peace

3. L.S.G.Secretary considers that there is no case for a grant and remarks that if Finance do scent an inconvenient precedent here", L.S.G. would have no objection to a grant being given.

in the District Municipalities' Act under which the Municipal Council can be compelled to carry out the work. An alternative course is to withhold the non-statutory grants payable by Govt. to the unicipal Council.

5. If it is not considered feasible to compel the Municipal Council to do the work, it is submitt that the only course left open seems to be to give a half grant, as strong and adequate reasons are given by the District Magistrates and the Chief Secretary.

F u n d s.

One of the objects on which Collectors of districts have been authorised to spend their discretionary grants is "provision of sites for burial and burning grounds and their improvements, repair of paths leading to such grounds".

In G.O.127 Rev. dated 18-1-1928 the Govt. commended to the Collector of Madras an application from a retired Subadar for a grant towards the reconstruction of compound walls round a Mahammodan burial ground in Tandiarpet, Madras. The Govt. considered that the grant might be paid from the Collector's discretionary grant. The A.G. who was consulted in the matter, did not raise any objection.

Submitted that the expenditure in the presen case may be treated as coming from the Collector's discretionary grants an additional appropriation of Rs.1,590 being sanctioned under the head '22. General Administration- Miscellaneous - Discretiona grants - Discretionary grants by Collectors"

The Revenue department will have to ask the Board of Revenue to suggest the source from which the additional appropriation of Rs.1,590 referred to above can be met.

8. As this is an item of new expenditure not contemplated in the current year s budget, a report may be made to the Finance Committee for information

The expenditure is not on a'new service' requiring a specific vote of the Legislative Council.

2-6-30

2.6.30

The proposal in para 7 may be adopted.

2.6.30

at pp 3. 5 ante.

2 With reference to para 7 of the notes at p. 4. supra, a draft Ernst to the Board of Revenue is submitted for approval

17 6 30

17/6/30

19/6/30.

20.6.30

C3 alle 20/6/30

Circ. 20.6.30

additional allotment under Discretionary Grants by Cttee. It is presumed that the Board will apply for the allotment required for the expenditure in question in this file)

asr 14/7/30

Pub. 2.S.S. Lim.

mlm 12.7.30

MK 12/7/30

Pub LSG Fin

11.7.30

E/80-2 11-7-30

vs.

UNDER SECRETARY 18 JUL 1930 CHIEF SECTT.

Pub (Genl) Sec H

Submitted that the draft may be accepted.

Sec 21/7/30

Secy. 21-7-30

(Previous Finance Note on pages 3-5 ante)

Submitted that the draft order may be accepted.

29.7.30.

30.7.30.

30/7/30

31.7.30

Revised Budget

30/7/30

Dis no. 17149 Exp-2

31-7-30

REVENUE DEPARTMENT

S/1040E

1 AUG 1930

Revenue Dept.

To nos.

An addition to the despatch entry has been made with reference to F.S.G. note on page 7 above. The draft may issue

1/8/30

2/8/30

S

4/8/30

5

C.F.

11/8/30

Sectt. II-5 (a)—50,006—5-11-29.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

23/6.

READ AGAIN G.O. No. 1187 L.H.M., dated 22-23-.1930.

READ ALSO:—

1-SCF C. No. 1390 E/30 From the Dist magistrate, South Kanara, No. Cl. 3484/29 dated 7-5-1930.

10-11 CF, " Endt " " to the Board of Rev. Lrs. 1390 E/30-1 " 24-6-1930.

12-13 CF, 1541 E/30 " From the Bd of Rev Lrs " 4170 Rt 3-7-1930.

No. 1516, dated 6/8/1930.

In this letter no: Cl. 3484/29 dt 7.5.1930 the Dist magistrate of South Kanara has requested that a special grant may be made to the Municipal Council Mangalore towards the cost of the ~~construction of a wall to and of the formation of a road along side~~ building a wall and enclosing the Muhammadan burial ground at Kudroli forming a road alongside the wall. The total cost of the work is estimated at Rs. 3180/-. In the circumstances reported

by the Dist magistrate the Government Consider that a grant of Rs 1590/-, being half of the estimated cost of the work referred to above, should be made to the Municipal Council on the understanding that the Municipal Council Contributes an equal amount

2: As provision of Sites for burial and burning grou and their improvement; repa of paths leading to such grounds is one of the Objects on which Cotts of districts have been authorised to spend their discretionary grants, the Govt. are of opinion that the expenditure in question should be met from the Cotts discretionary grant. They accordingly authorise the Collector of South Kanara to incur the expenditure of Rs 1590/- (Rupees one thousan five hundred and ninety) from his discretionary grant in anticipation of the Sanction

See pages 12-13 C F

of an additional allotment for the purpose

To

The Board of Rev Lrds
Acct General this Fin
Coll, South Kanara
L.S.G. dept.
Finance dept.
C.M.C., Mangalore, thro' L.S.G.

2nd Ch 12/7/30

Ch 12/7/30

AGR 14/7/80

Inf 15/7/80

(1)
(2)
CR(4)(5)(6)
M
2/8
11

From (Name) G. W. Wells, esquire, L.A., I.C.S.,

(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,

Revenue Department,

Madras.

Sir,

In the above Government Order the Government authorised me to make a grant of Rs.1500/- to the Municipal Council out of the discretionary grant, being the half the estimated cost of building a wall to enclose the Muhammadan burial ground at Kudroli and forming a road alongside the wall on the understanding that the Municipal Council contributed an equal amount.

The Superintending Engineer, Coimbatore Circle, while scrutinizing the estimate, altered it to Rs.2240/-. I have, therefore, this day made a grant of Rs.1120/- only to the Municipal Council on the authority of the above Government

Revenue **DEPARTMENT.**

Received ..... 19 *Registered* 23.3.31 19

Rv 1194E

Subject.

Grants - Discretionary - "22 R.E.a.ii - General Administration - Mangalore Municipal Council - Muhammadan Burial ground Construction of a road and compound wall.

G.O.No. 1516 Ms. dated 6-8-1930.

ENCLOSURES.
No. .....
Spare copies .....

R.O.C. No. 35-31-B.1.

Station Mangalore, *Dated the* 18th March 1931.

From (Name) G. W. Wells, Esquire, L.A., I.C.S.,
(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,
Revenue Department,
Madras.

Sir,

In the above Government Order the Government authorised me to make a grant of Rs. 1500/- to the Municipal Council out of the discretionary grant, being the half the estimated cost of building a wall to enclose the Muhammadan burial ground at Kudroli and forming a road alongside the wall on the understanding that the Municipal Council contributed an equal amount.

The Superintending Engineer, Coimbatore Circle, while scrutinizing the estimate, altered it to Rs.2240/-. I have, therefore, this day made a grant of Rs.1120/- only to the Municipal Council on the authority of the above Government

order.

Your obedient servant,

A Krishnaswami 19.3.31

For Collector.

Copy to the Accountant General, Madras. 19.3.31

Issue cans vehicles

Rev Dept.

Endt no 1194-E/31-1 dt 24.3.31

Grants. Discretionary - ~~xxxxxxxxxxxxxxxxxx~~ discretionary grants by Collectrs - Mangalore Municipal Council - Muhammadan Burial Ground - Construction of road and Compound wall.

Rf. From the Coll of S. Kanara R.O.C. no 35-31-B-1. dt 18.3.'31.

Communicated to the Board of Rev

24/8/31.

dt 25.3.31

23.3.31.

25/3/31

To the Board of Rev (MRAS)

Note

After issue of the Endt the Paper may be attached with G.O.Ms 1516 Rev dt 6.8.30. (T)